

### **REMARKS**

In the Office Action, the Examiner rejected claims 1-15 and 21-24. By this paper, Applicant amended claims 1-5, 12-15, 21, and 22 to clarify certain features and expedite allowance of the present application. Further, Applicant added new claims 26-37. These amendments and new claims do not add any new matter. In view of the amendments and the following remarks, the Applicant respectfully requests allowance of all pending claims.

### **Claim Rejections Under 35 U.S.C. § 102**

The Examiner rejected claims 1-15 and 21-24 under 35 U.S.C. § 102(e) as anticipated by Krishnan (U.S. Patent No. 6,377,685). The Applicant respectfully traverses these rejections.

### ***Legal Precedent***

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). In order to maintain a proper rejection under section 102, a single reference must teach each and every element or step of the rejected claim, else the reference falls under section 103. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984).

### ***Claims***

Independent claim 1, as amended, recites a data entry device comprising “data entry values being associated with deflecting the key in a predetermined direction and a second one

or more of the additional discrete data entry values being associated with *simultaneously depressing and deflecting* the key in the predetermined direction.” (Emphasis added).

Independent claim 12, as amended, recites “user readable indications having alphabetic characters arranged in positions *relating to a QWERTY keyboard*.” (Emphasis added).

Independent claim 21, as amended, recites “defining first, second, and third data zones that are actuated when the hardware key is depressed, deflected, or *deflected and depressed*, respectively.” (Emphasis added).

### ***Omitted Claim Features***

In the present case, Krishnan cannot anticipate the instant claims, because Krishnan does not disclose all of the elements set forth in the claims. Indeed, Krishnan fails to disclose at least two features recited in the present claims. First, Krishnan does not disclose data values being associated with depressing *and* deflecting a key. Second, Krishnan does not disclose alphabetic characters arranged in positions relating to a QWERTY keyboard.

First, Applicant asserts that Krishnan fails to disclose data values being associated with depressing and deflecting a key. Applicant directs the Examiner’s attention to the Krishnan specification, which repeatedly teaches that such depressing and deflecting are mutually exclusive. Specifically, Krishnan discloses mechanical cluster keys that have a primary key and secondary keys. *See* Krishnan, col. 16, lines 33-34. Each of the primary and secondary keys is precluded from operating together, simultaneously. *See* Krishnan, col. 17, lines 20-40. For example, Krishnan states, “When the first portion of a key is depressed by a user, the second portion of the key comes into contact with a substrate and *mechanically*

*mutually excludes* any of the corresponding keys of that particular key cluster from contacting the substrate.” Krishnan, col. 17, lines 24-28 (emphasis added).

In view of Krishnan’s failure to disclose data values being associated with depressing and deflecting a key, Krishnan clearly fails to disclose each and every feature of the present claims as amended. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claims 1 and 21.

Second, Applicant asserts that Krishnan fails to disclose alphabetic characters arranged in positions relating to a QWERTY keyboard. Applicant directs the Examiner’s attention to the Krishnan specification, which indicates that Krishnan does not teach any form of emulating a QWERTY keyboard. For example, Krishnan discusses the emulation of QWERTY type keys in the prior art as a hindrance and asserts that the alleged invention in Krishnan avoids the hindrance. *See* Krishnan, col. 24, lines 29-32. Specifically, Krishnan states, “Of course they are doing it because the current art is deficient in that it provides no choice of finger actuation because the keycaps are based on the emulation of QWERTY type keys which are tiny.” Krishnan, col. 24, lines 29-32. Accordingly, because Krishnan teaches that a QWERTY arrangement is unsuitable, it cannot teach the particular QWERTY arrangement presently claimed. Applicant also emphasizes, that the failure of Krishnan to teach a QWERTY type arrangement is further evidenced in that none of the Krishnan figures illustrate such a QWERTY arrangement.

In view of Krishnan's failure to disclose alphabetic characters arranged in positions relating to a QWERTY keyboard, Krishnan clearly fails to disclose each and every feature of the present claims as amended. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claim 12.

***Request for Withdrawal***

Because independent claims 1, 12 and 21 each recite elements missing from the Krishnan, Applicant stresses that Krishnan cannot anticipate claims 1, 12, and 21 and the claims depending therefrom. Accordingly, the Applicant respectfully requests withdrawal of the rejection of claims 1-15 and 21-24 under Section 102.

**New Claims**

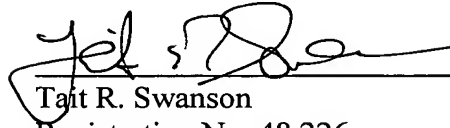
As set forth above, the Applicant added new claims 26-37. The Applicants believe these claims are patentable over the cited references and in condition for allowance. Therefore, the Applicants request that the Examiner allow the new claims 26-37.

**Conclusion**

In view of the amendments and remarks set forth above, the Applicant respectfully requests withdrawal of all of the Examiner's rejections and objections. Furthermore, the Applicant asserts that an indication of the allowability of claims 1-15, 21-24, and 26-37 is appropriate. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: 08/12/2004

A handwritten signature in black ink, appearing to read "Tait R. Swanson", is written over a horizontal line.

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